

# Notice of Allowability

Application No.

10/705,876

Examiner

Sow-Fun Hon

Applicant(s)

OLOFSSON ET AL.

Art Unit

1772

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 05/08/06.
2. ☒ The allowed claim(s) is/are 1,2,4-9,11,15-19,29,31 and 35.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☒ None of the:
  1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 05/17/06.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☒ Other See Continuation Sheet.

RENA DYE  
SUPERVISORY PATENT EXAMINER

2/20/04

Continuation of Attachment(s) 9. Other: The drawings filed 11/13/03 are accepted by the examiner.

## **SUPPLEMENTAL EXAMINER'S AMENDMENT**

### **Terminal Disclaimer**

1. The terminal disclaimer over correlated application 11/123,122 has been deemed proper.

### **Foreign Priority Papers**

2. The foreign priority document, Sweden 0203350-4, is missing from the image file.

### **Examiner's Amendment**

3. An examiner's amendment to the record appears below.
4. Authorization for this examiner's amendment was given in a telephone interview with Roger Lee on May 22, 2006.
5. The application has been amended as follows:
6. Cancel claims 3, 10, 12-13, 30, 32-34, and 36.
7. Amend claim 1: Substitute line 4, "outside layers of ..." with - - first and second outside layers of heat-sealable olefin polymer; - -
8. Amend claim 1: Line 6: after "consisting of", substitute "PECVD" with - - plasma enhanced chemical vapour deposited - -.
9. Amend claim 1: Line 9: after "consisting of", substitute "PECVD" with - - plasma enhanced chemical vapour deposited - -.

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10. Amend claim 1: Substitute lines 20-21, "from 8 to 15  $\mu\text{m}$ , ... and a total thickness of the packaging laminate", with - - from 8 to 15  $\mu\text{m}$ , thicknesses of the first and second outside layers of heat-sealable olefin polymer are from 10 to 25  $\mu\text{m}$ , and from 18 to 30  $\mu\text{m}$ , respectively, and a total thickness of the packaging laminate - -.
11. Amend claim 8: Line 2: after "according to claim 1, wherein the", substitute "PECVD" with - - plasma enhanced chemical vapour-deposited - -.
12. Amend claim 9: Substitute line 2, "according to claim 1 ... 500." with - - according to claim 1, wherein the plasma enhanced chemical vapor-deposited SiOx-layer has a thickness of 50 to 500 Å. - -.
13. Amend claim 15: Line 2, after "according to claim", delete "14" and insert - -1- -.
14. Amend claim 16: Line 2, after "according to claim", delete "14" and insert - -1- -.
15. Amend claim 17: Line 3: Substitute "PECVD" with - - plasma enhanced chemical vapour-deposited - -.
16. Amend claim 31: Line 2, after "according to claim 9, wherein the", insert - - plasma enhanced chemical vapour-deposited SiOx-layer has a - -.
17. Amend claim 35: Line 2, after "according to claim", delete "34" and insert - -1- -.
18. Amend specification, page 4, delete paragraph [0013], "The above mentioned object ... claims 2-18."
19. Amend specification, page 9, paragraph [0030], line 4, after "invention.", delete "This aspect is specified in claim 19."
20. Amend specification, page 9, paragraph [0032], delete line 3, "This aspect is ... claims 20-24."

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21. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

### **Reasons for Allowance**

22. The following is an examiner's statement of reasons for allowance: the closest cited prior art of record, US 6,521,312, fails to teach or suggest, even in view of EP 0385 054 and US 5,670,224, the combination of a transparent gas barrier packaging laminate having a bending stiffness for packaging of liquid foods and drinks by a high speed, continuous process, comprising: outside layers of heat-sealable olefin polymer; a first gas barrier coated carrier layer including a first gas barrier layer consisting of PECVD SiO<sub>x</sub> coated onto a first polymer carrier layer, where x is from 1.7 to 2.0; a second gas barrier coated carrier layer including a second gas barrier layer consisting of PECVD SiO<sub>x</sub> coated onto a first polymer carrier layer, where x is from 1.7 to 2.0; and an intermediate polymer layer laminated between the first and second gas barrier coated carrier layers, the intermediate polymer layer having a higher thickness relative to each of the first and second gas barrier coated carrier layers, and a higher stiffness relative to low density polyethylene, wherein a stiffness of each of the first and second polymer carrier layers interacts with the stiffness and the higher thickness of the intermediate polymer layer by an I-beam or sandwich effect to provide the bending stiffness, wherein a thickness of the intermediate polymer layer is from 40 to 60 μm, a thickness of each of the first polymer carrier layer and the second polymer carrier layer

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is from 8 to 15  $\mu\text{m}$ , thicknesses of the first and second outside layers of heat-sealable olefin polymer are from 10 to 25  $\mu\text{m}$ , and from 18 to 30  $\mu\text{m}$ , respectively, and a total thickness of the packaging laminate is from 110 to 140  $\mu\text{m}$ .

None of the references teach that in a packaging laminate with a total thickness of from 110 to 140  $\mu\text{m}$ , the thickness of the intermediate polymer layer is from 40 to 60  $\mu\text{m}$ , the thickness of each of the first polymer carrier layer and the second polymer carrier layer is from 8 to 15  $\mu\text{m}$ , and the thicknesses of the first and second outside layers of heat-sealable olefin polymer are from 10 to 25  $\mu\text{m}$ , and from 18 to 30  $\mu\text{m}$ , respectively. Applicant's specification discloses the importance of the total thickness of the packaging laminate and the thickness of each layer as related to each other within the laminate. See Applicant's specification (page 5, paragraphs 0015-0016, page 6, paragraph 0017, page 7, paragraphs 0023-0024, page 8, paragraphs 0025-0028).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Any inquiry concerning this communication should be directed to Sow-Fun Hon whose telephone number is (571)272-1492. The examiner can normally be reached Monday to Friday from 10:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached at (571)272-1498. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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07/17/06



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2/2/06